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Non-Final Rejection

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

2. Applicant's election without traverse of claims 1, 7, 8, and 13 in the reply filed on 08/29/2008 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sanada et al (US 2002/0067691).

Claim 1, Sanada et al shows a disk cartridge in Fig. 2 including:

a case body for housing a disk like information storage medium in a rotatable position, the case body including: first side surface with shutter 7 on it and second side surface opposing to first side surface and both surfaces extending parallel to an inserting direction, (Fig. 3) in which the disk cartridge is inserted into a disk drive for recording and/or reproducing information, and are opposed to each other; a lower surface 3 sandwiched between the first and second side surfaces; a head window, cut through a portion of the lower surface, for partially exposing the information storage medium; a shutter opening groove (Fig. 3) provided on the first side surface so as to extend in the inserting direction and to slide a shutter opener 9 (Fig. 3; [0022]) of the disk drive therein; and a holding recess 11b, which is positioned at

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the bottom of the shutter opening groove so as to get engaged with a gripping member 20b of the disk drive while the disk cartridge is loaded in the disk drive (Figs. 3-5; [0024-0028]);

a shutter 7 (Fig. 3; [0021] line 3), which has an operating portion that protrudes into the shutter opening groove (Fig. 3) and which opens or closes the head window by sliding parallel to the inserting direction; and

an elastic member (not shown, [0036]) for applying elastic force to the shutter so as to close the head window.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (US 20010048572) in view of Sanada et al (US 2002/0067691).

Claim 13, Kojima shows a disk drive including:

a chassis 1 (Fig. 1);

a motor 73 supported on the chassis and including a turntable;

a head 72, supported on the chassis, for recording and/or reproducing information;

a holder 2 having an insertion port for inserting the disk cartridge and a space for holding the disk cartridge, the holder being rotatably secured to the chassis (Figs. 4A and 4B) so as to take either a first position shown in Fig. 4B, at which the disk cartridge is insertable and removable through the insertion port without interfering with the turntable, or a second position shown in Fig. 4A, at which the information storage medium in the disk cartridge held in the space is mounted on the turntable;

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a slider (Fig. 5), which is arranged so as to slide with respect to the holder and which applies elastic force to the disk so as to eject the disk cartridge out of the holder through the insertion port; and

a gripping member 30 (Figs. 8A-9B), which is connected to the slider so as to get engaged with the holding recess 22 of the disk cartridge,

wherein the gripping member is arranged on the holder so as not to interfere with the head when the holder is turned to take the second position with no disk cartridge held.

Kojima shows a disk cartridge but does not show the detailed structure. Sanada shows a disk cartridge, and teaches that volume of his cartridge is minimized and the loading recess portions can be secured with ease and a misinsertion can be prevented. One of ordinary skill in the art would have been motivated to apply Sanada et al's cartridge into Kojima's device. This cartridge reads on claim 1.

Allowable Subject Matter

5. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 7 and 8; as the closest reference of record, Sanada et al (US 2002/0067691) shows a disk cartridge in Fig. 2 including: a case body for housing a disk like information storage medium in a rotatable position, the case body including: first side surface with shutter 7 on it and second side surface opposing to first side surface and both surfaces extending parallel to an inserting direction, (Fig. 3) in which the disk cartridge is inserted into a disk drive for recording and/or reproducing information, and are opposed to each other; a lower surface 3 sandwiched between the first and second side surfaces; a head window, cut through a portion of the lower surface, for partially exposing the information storage medium; a shutter opening groove (Fig. 3) provided on the first side surface so as to extend in the inserting direction

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and to slide a shutter opener 9 (Fig. 3; [0022]) of the disk drive therein; and a holding recess 11b, which is positioned at the bottom of the shutter opening groove so as to get engaged with a gripping member 20b of the disk drive while the disk cartridge is loaded in the disk drive (Figs. 3-5; [0024-0028]); a shutter 7 (Fig. 3; [0021] line 3), which has an operating portion that protrudes into the shutter opening groove (Fig. 3) and which opens or closes the head window by sliding parallel to the inserting direction; and an elastic member (not shown, [0036]) for applying elastic force to the shutter so as to close the head window; **but fails to show** that the case body includes an elastic member sliding groove, which extends parallel to the shutter opening groove to have the elastic member slide therein, and a recess located at one end of the elastic member sliding groove, the elastic member sliding groove and the recess being both provided on the first side surface, and wherein while the head window is closed with the shutter portion, the elastic member engages with the recess, thereby keeping the shutter portion locked and fixed.

- Applicant asserts; “An object of the present invention is to provide a small-sized and highly dustproof disk cartridge” (Specification, [0014]).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Tianjie Chen/
Primary Examiner, Art Unit 2627